

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHARMACEUTICAL MANUFACTURING
RESEARCH SERVICES, INC.,

Plaintiff-Petitioner,

v.

UNITED STATES FOOD AND DRUG
ADMINISTRATION, SCOTT GOTTLIEB,
M.D., in his official capacity as the
Commissioner of Food and Drugs, and his
successors and assigns, and ERIC D.
HARGAN, in his official capacity as the
Acting Secretary of the United States
Department of Health and Human Services,
as well as his successors and assigns,

Defendants,

and

DAIICHI SANKYO, INC.,

Intervenor-Defendant.

CIVIL ACTION
NO. 17-04898

ORDER

AND NOW, this 22nd day of January, 2019, upon consideration of Pharmaceutical Manufacturing Research Services, Inc.'s Motion for Summary Judgment, (ECF No. 34), the United States Food and Drug Administration, *et al.*'s, Motion for Summary Judgment, (ECF No. 36), Daiichi Sankyo's Motion for Summary Judgment, (ECF No. 37), their responses (ECF Nos. 38, 39, 40, 41, 42, 43, 47, 48, 50, 51, 53, 56, 58, 60, 62, 65, 67) and after hearing oral argument, (ECF No. 68), it is hereby **ORDERED** that PMRS's Amended Complaint, (ECF No. 11), is **DISMISSED** for lack of jurisdiction. The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Gerald J. Pappert

GERALD J. PAPPERT, J.